

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA

3 IN RE: BARD IVC FILTERS
4 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

5 **SECOND AMENDED MASTER**
6 **SHORT FORM COMPLAINT FOR**
7 **DAMAGES FOR INDIVIDUAL**
8 **CLAIMS AND DEMAND FOR JURY**
9 **TRIAL**

10 Plaintiff(s) named below, and for Complaint against the Defendants named below,
11 incorporate the Master Complaint for Damages in MDL No. 2641 by reference
12 (Document 364). Plaintiff(s) further show the court as follows:

13 1. Plaintiff/Deceased Party:

14
15
16 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
17 claim:

18
19
20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

21
22 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
23 of implant:

24
25
26 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
27 of injury:

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

7. District Court and Division in which venue would be proper absent direct filing:

8. Defendants (Check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filters):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2 Express® (G2® X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence – Design Defect
- ✓ Count V: Negligence – Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment
- ✓ Count XIV: Violations of Applicable _____ (insert State) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ✓ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space, immediately below)

13. Jury Trial demanded for all issues so triable?

✓ Yes

☐ No

Respectfully submitted this _____ day of _____, 2019.

/s/ Jeff Seldomridge

JEFF SELDOMRIDGE
THE MILLER FIRM LLC
108 Railroad Avenue
Orange, VA 22960
Tel: (540) 672-4224
Fax: (540) 672-3055
jseldomridge@millerfirmllc.com
Attorneys for Plaintiffs

I hereby certify that on _____, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jeff Seldomridge
Jeff Seldomridge
Virginia Bar No. 89552